

October 21, 2003 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0162

Ron Wheeler

Clover Hill Magisterial District
Davis Elementary, Providence Middle and
Monacan High Schools Attendance Zones
East line of Pocoschock Boulevard

REQUEST: Rezoning from Corporate Office (O-2) to Multifamily Residential (R-MF) of 8.4 acres with Conditional Use Planned Development to permit exceptions to Zoning Ordinance requirements.

PROPOSED LAND USE:

A multifamily condominium residential development restricted to elderly housing and containing a maximum of forty-four (44) dwelling units is planned. (Proffered Conditions 9 and 14)

RECOMMENDATION

Recommend denial for the following reasons:

- A. The proposed zoning and land use does not comply with the Route 360 Corridor Plan. Although the Plan suggests the property is appropriate for a mix of uses to include office, church and public facility uses and residential developments up to six (6) units per acre, the proposed zoning and land use fails to incorporate high quality site amenities and cluster design to maintain open space as recommended by the Plan to provide appropriate transition between the office development south of the request property, as well as the single family residential use to the north.

- B. The application fails to provide for the typical development standards necessary to insure a quality higher density development with amenities.
- C. Some of the requested exceptions to multifamily development standards would allow greater development flexibility. In particular, the requested exceptions to internal development requirements, together with the proffered conditions, would allow multifamily development that possesses a character more in keeping with area single family residential neighborhoods than would be allowed with typical Multifamily Residential (R-MF) zoning. However, some of the requested exceptions, such as those related to provisions for sidewalks and buffer and building setback reductions from property lines, are inappropriate given the higher density of development and the need to offset the impact on adjacent single family residential development, as well as future residents within this development.

(NOTES:

- A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.
- B. IT SHOULD BE NOTED THAT THE REVISED PROFFERS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING, PER THE "SUGGESTED PRACTICES AND PROCEDURES." THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO REVIEW THESE AMENDED PROFFERED CONDITIONS.

PROFFERED CONDITIONS

- 1. Public water and wastewater shall be used. (U)
- 2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
 - A. \$4,815.00 per dwelling unit, if paid prior to July 1, 2003. At the time of payment, the \$4,815.00 will be allocated pro-rata among the facility costs as follows: \$598.00 for parks and recreation, \$324.00 for library facilities, \$3,547.00 for roads, and \$346.00 for fire stations; or
 - B. The amount approved by the Board of Supervisors not to exceed \$4,815.00 per dwelling unit pro-rated as set forth above and adjusted upward by any

increase in the Marshall and Swift building cost index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.

- C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
 4. Direct access from the property to Pocoshock Boulevard shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)
 5. Prior to any site plan approval, thirty-five (35) feet of right-of-way on the east side of Pocoshock Boulevard, measured from a revised centerline based on VDOT Urban Collector standards (forty (40) miles per hour) as approved by the Transportation Department, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
 6. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:
 - a. Construction of additional pavement along Pocoshock Boulevard at the approved access to provide a right lane, if warranted, based on Transportation Department standards;
 - b. Relocation of the ditch to provide an adequate shoulder along the east side of Pocoshock Boulevard for the entire property frontage;
 - c. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. (T)
 7. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 6, shall be submitted to and approved by the Transportation Department. (T)
 8. All impervious areas shall drain to the southeastern and/or the southwestern portion(s) of the property. In addition, the drainage system shall be designed to capture runoff from the properties to the north, to the extent practical as determined by the Department of Environmental Engineering. If a retention pond or any water quality pond is provided above ground, such pond shall be designed as a wet pond. (EE)

9. Age restriction: Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Housing Law, and such other applicable federal, state, or local legal requirements, dwelling units shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age domiciled therein ("Age-Restricted Dwelling Units"). (P)
10. Virginia Condominium Act: All dwelling units on the Property shall be condominiums as defined and regulated by the Virginia Condominium Act, and all common areas and improvements therein shall be maintained by a condominium association. (P)
11. Open space/recreation area shall be provided as generally depicted on the Master Plan, prepared by Balzer & Associates, Inc., including a minimum of 0.47 acres in an area adjacent to the clubhouse to provide a "focal point" to the project. Part of the area shall be "hardscaped" and have other amenities that accommodate and facilitate gatherings. The exact design and location shall be approved by the Planning Department at the time of site plan review. The clubhouse building and its related recreational amenities shall be developed concurrent with the first phase of development. (P)
12. Development of the property shall be in substantial conformance with the architectural appearance shown on the elevations attached hereto as Exhibit "A" with respect to the materials depicted, which are brick or stone veneer, composition, hardiplank or vinyl siding, and 20-year asphalt roof shingles. Development of the property shall generally conform to the Master Plan with respect to the general location of the clubhouse building, open spaces, the orientation of buildings such that the number of garage doors opening to any individual street are minimized, and the clustering of buildings. The location of roads, access, driveways and parking areas need not be exactly as shown on the Master Plan; however, the concepts of the Plan shall be generally adhered to such as the orientation of dwelling units to one another, to open spaces, and to rights of way. (P)
13. Restriction on Children's Play Facilities: The common area recreational amenities shall not include playground equipment, play fields or other facilities primarily associated with children's play. Adult facilities including, but not limited to, putting greens, shuffleboard, picnic and barbecue areas and gardens shall be permitted. No swimming pools, basketball courts or tennis courts will be permitted. (P)
14. Density: There shall be no more than forty-four (44) units developed on the Property. (P)
15. All roads that accommodate general traffic circulation through the development (the "Public Roads"), as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. Setbacks from

the Public Roads shall be as identified for special access streets pursuant to Section 19-505(b) of the Zoning Ordinance. Prior to any site plan approval, forty (40) foot wide rights of way for the Public Roads shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. Prior to the issuance of an occupancy permit unless otherwise approved by the Transportation Department, the Public Roads shall be constructed and approved for State acceptance, as determined by the Transportation Department. (T)

16. Sidewalks shall be provided along all interior streets generally as shown on the Master Plan. The treatment and location of these sidewalks and the pedestrian trail shall be approved by the Planning Department at the time of site plan review. (P)
17. Street trees in accordance with the requirements of the Zoning Ordinance shall be installed along each side of the interior roads and common driveways to include entrance roads from public roads into the development. If existing trees are maintained, they may be counted toward this requirement. (P)
18. Landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians, and within common areas not occupied by recreational facilities or other structures. Landscaping shall comply with the requirements of the Zoning Ordinance Sections 19-516 through 19-518(f). Within the setback along Pocoshock Boulevard, a landscape berm shall be installed in such a way as to minimize the view of the garage doors from Pocoshock Boulevard. Landscaping shall be designed to: minimize the predominance of building mass and paved areas; define private spaces; and enhance the residential character of the development. The Planning Department, at the time of site plan review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement and species of plantings. Landscaping along Pocoshock Boulevard shall, at a minimum, comply with the requirements of Section 19-518(g)(4) of the Zoning Ordinance for Perimeter Landscaping C, Option I. Decorative fencing shall be installed as follows: 1) generally parallel to Pocoshock Boulevard within the front setback and 2) on the proposed property line adjacent to the existing office building parking lot. Landscaped areas and sodded lawns shall be irrigated. (P)
19. Light poles shall have a maximum height of fifteen (15) feet. (P)
20. A six (6) foot solid fence shall be installed generally adjacent to GPIN 763-696-8950. This fence shall be constructed of vinyl/PVC resin. The exact design and treatment shall be approved at the time of site plan review. (P)
21. Visitor parking to accommodate overflow parking for attached dwelling units shall be provided in the residential development and shall provide a minimum of six (6) parking spaces. The exact treatment and location of the visitor parking shall be addressed at the time of site plan review. (P)

22. No dwelling unit shall exceed a height of one story. (P)
23. Common areas which are not contained within units and public road right-of-ways shall conform to the requirements of 19-559 of the Zoning Ordinance provided however, that required information shall be submitted as a part of the site plan process. (P)
24. Restrictive Covenants. The following provisions shall be contained in restrictive covenants which shall be recorded. Further, the following provisions in the restrictive covenants shall not be modified or amended for a period of at least twenty (20) years following recordation:
 - 1) No unit shall be used except for residential purposes.
 - 2) No accessory buildings shall be erected, placed, or permitted on the premise.
 - 3) No fences shall be erected on any portion of the property except in accordance with the approved site plans and specifications for construction, and is further controlled through the proffered conditions of the rezoning.
 - 4) No noxious or offensive activity shall be carried on upon by any resident, nor shall anything be done thereon which may be, or become, an annoyance or nuisance to the neighborhood.
 - 5) No structure of a temporary character, trailer, tent, shack, garage, or other outbuilding shall be used at any time as a residence either temporarily or permanently, and to this end, any building to be constructed in this development shall be completed within one year from the issue date of it's building permit.
 - 6) NO CAMPERS, HOUSE TRAILERS, OR BOATS SHALL BE PARKED on the premise. No skateboard platforms, large dish television antennae (exceeding two feet in diameter), or television or radio towers shall be placed on the premise. No dish television antennae shall be visible from the street for the respective residence.
 - 7) No sign of any kind shall be displayed to the public view on any yard except one professional sign of not more than three square feet and one sign of not more than five square feet advertising the property for sale, and one sign of not more than five square feet by a builder to advertise the property during the construction and sales period.
 - 8) No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept therein if they are not kept, bred, or maintained for any commercial purposes.

- 9) No part of this development shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. No rubbish, trash, garbage, and other waste shall be kept by any unit except in sanitary containers, and all equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No central dumpsters shall be provided.
- 10) Each and every covenant and condition herein imposed may be enforced by the undersigned or by the owner of any unit by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same to prevent or rectify such violation and to recover damages therefore.
- 11) The covenants and conditions herein contained shall run with the land and shall be binding upon the subsequent owner or owners of all or any unit and each and every portion of the land shown on the plat and all parties claiming through or under such owner or owners.
- 12) All dwelling units shall have washer and dryer hookups.
- 13) All residential dwelling units shall have an attached garage containing a minimum of 200 gross square feet.
- 14) A mandatory homeowners' association shall be created that shall be responsible for the maintenance of yards and exteriors of residential dwelling units.
- 15) Age restriction: Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Housing Law, and such other applicable federal, state, or local legal requirements, dwelling units shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age domiciled therein ("Age-Restricted Dwelling Units"). (P)

GENERAL INFORMATION

Location:

East line of Pocoshock Boulevard, north of Hull Street Road. Tax IDs 762-695-6591; 762-696-6401 and 6412; and 763-696-Part of 0005 (Sheet 11).

Existing Zoning:

O-2

Size:

8.4 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

- North - R-7; Single family residential or vacant
- South - R-7 with Conditional Use, O-2 and A; Single family residential, office or vacant
- East - C-5; Public/semi-public (YMCA)
- West - R-7, R-7 with Conditional Use and A; Single family residential, office or vacant

UTILITIES

Public Water System:

There is an existing twelve (12) inch water line extending along the east side of Pocoshock Boulevard, adjacent to the request site. Use of the public water system is intended and has been proffered. (Proffered Condition 1)

Public Wastewater System:

There is an existing eight (8) inch wastewater collector extending along the west side of Pocoshock Boulevard, adjacent to the request site. In addition, there is an eight (8) inch wastewater collector serving the existing Pocoshock Professional Office, adjacent to this site. Use of the public wastewater system is intended and has been proffered. (Proffered Condition 1)

ENVIRONMENTAL

Drainage and Erosion:

A portion of the property drains southwest to Pocoshock Boulevard and then through several small streams and tributaries to Pocoshock Creek. Another portion of the property drains to the southeast then underneath Hull Street Road to Pocoshock Creek. There are no on- or off-site drainage or erosion problems. A small area of the site drains under Pocoshock Boulevard to Surreywood through an inadequate channel. Proffered Condition 8 requires all impervious areas of this site to drain southwest and/or southeast to address an adjacent property owner's concern. A very small portion of this site is wooded and should not be timbered without first obtaining a land disturbance permit from the Environmental

Engineering Department. This will ensure that adequate erosion control measures are in place prior to any land disturbance. (Proffered Condition 3)

Water Quality:

Proffered Condition 8 addresses design of any above ground facility required for water quantity and quality control (SWM/BMP). Specifically, if above ground, these areas will be designed as wet ponds and must otherwise meet Ordinance requirements regarding landscaping and other design issues relative to the facility being an amenity for uses developed on the property.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that emergency services calls are expected to increase forty-five (45) percent by the year 2015. Eight (8) new fire/rescue stations are recommended for construction by 2015 in the Plan. Based on forty-four (44) dwelling units, this request will generate approximately seven (7) calls for fire and EMS services each year. The applicant has addressed the impact on these facilities. (Proffered Condition 2)

The Centralia Fire/Rescue Station, Company Number 17, currently provides fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

Schools:

This site lies in the Davis Elementary School attendance zone: capacity - 700, enrollment - 655; Providence Middle School zone: capacity - 1,070, enrollment - 1,091; and Monacan High School zone: capacity - 1,600, enrollment - 1,665.

Proffered Condition 9 provides that housing will be restricted to "housing for older persons" and shall have no persons under nineteen (19) years of age domiciled therein, therefore, this development will not have an impact on school facilities.

Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Even if

the facility improvements that have been made since the Plan was adopted are taken into account, there is still an unmet need for additional library space throughout the County. The applicant has offered measures to assist in addressing the impact of this development on these facilities. (Proffered Condition 2)

Parks and Recreation:

The Public Facilities Plan identifies the need for four (4) new regional parks. In addition, there is currently a shortage of community park acreage in the County. The Plan identifies a need for 625 acres of regional park space and 116 acres of community park space by 2015. The Plan also identifies the need for neighborhood parks and special purpose parks and makes suggestions for their locations. The applicant has offered measures to assist in addressing the impact of this proposed development on these facilities. (Proffered Condition 2)

Transportation:

The property (approximately nine (9) acres) is currently zoned Corporate Office (O-2) and is located on the east side of Pocoshock Boulevard just north of Hull Street Road (Route 360). The applicant is requesting rezoning from Corporate Office (O-2) to Multifamily Residential (R-MF) with Conditional Use Planned Development. The applicant has proffered a maximum density of forty-four (44) lots (Proffered Condition 14). The applicant has also proffered to restrict this development to "housing for older persons" (Proffered Condition 9). Based on retirement community trip rates, development could generate approximately 210 average daily trips. These vehicles will be distributed to Pocoshock Boulevard, which had a 2002 traffic count of 3,614 vehicles per day.

The Thoroughfare Plan identifies Pocoshock Boulevard as a collector with a recommended right of way width of seventy (70) feet. The horizontal alignment of Pocoshock Boulevard along the property frontage is substandard. The applicant has proffered to dedicate thirty-five (35) feet of right of way, measured from an approved revised centerline for Pocoshock Boulevard, in accordance with the Plan. (Proffered Condition 5)

The Zoning Ordinance for R-MF allows streets, within 500 feet of a public road, to be privately owned and maintained. It is staff's recommendation and the applicant's desire to have all of the main streets within this project accepted into the State highway system. The applicant has proffered that all streets, which will accommodate general traffic circulation, will be designed and constructed to state (VDOT) standards and taken into the State system (Proffered Condition 15). Having these streets accepted into the State highway system will insure their long-term maintenance.

Development must adhere to the Zoning Ordinance relative to access and internal circulation (Division 5). Direct access to collectors, such as Pocoshock Boulevard, should be controlled. The applicant has proffered that direct access to Pocoshock Boulevard will be limited to one (1) public road. (Proffered Condition 4)

Mitigating road improvements must be provided to address the traffic impact of this development. The applicant has proffered to: 1) construct additional pavement along Pocoshock Boulevard at the public road intersection to provide a right turn lane; and 2) relocate the ditch along Pocoshock Boulevard to provide an adequate shoulder for the entire property frontage. (Proffered Condition 6)

The Thoroughfare Plan identifies the need to improve existing roads, as well as construct new roads, to accommodate growth. Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Pocoshock Boulevard will be directly impacted by this development. Sections of this road are twenty (20) to twenty-one (21) feet wide with no shoulders and have substandard horizontal curves. The capacity of this road is acceptable (Level of Service C) for the volume of traffic it currently carries. The standard typical section for Pocoshock Boulevard should be twenty-four (24) foot wide pavement sections with minimum eight (8) foot wide shoulders. In this area, there are no road improvement projects included in the Six-Year Secondary Road Improvement Plan. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development. (Proffered Condition 2)

Financial Impact on Capital Facilities:

| | | PER UNIT |
|--|---------|----------|
| Potential Number of New Dwelling Units | 44* | 1.00 |
| Population Increase | 119.68 | 2.72 |
| Number of New Students | | |
| Elementary | 0.00 | 0.24 |
| Middle | 0.00 | 0.13 |
| High | 0.00 | 0.17 |
| TOTAL | 0.00 | 0.54 |
| Net Cost for Schools | 0 | 0 |
| Net Cost for Parks | 30,492 | 693 |
| Net Cost for Libraries | 16,500 | 375 |
| Net Cost for Fire Stations | 17,644 | 401 |
| Average Net Cost for Roads | 180,796 | 4,109 |
| TOTAL NET COST | 245,432 | 5,578 |

*Based on a proffered maximum number of units. (Proffered Condition 14)

As noted, the proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on roads, parks, libraries and fire stations at \$5,578 per

unit. The applicant has been advised that a maximum proffer of \$4,815 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' policy and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 2)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept an adjusted cash amount of \$4,815 per unit, as there is no net increase in the impact on school capital facilities.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Route 360 Corridor Plan which suggests the property and surrounding area are appropriate for a mix of uses to include office, church and public facility uses, office/warehouse uses and residential development with a maximum density of six (6) units per acre. The overall intent of this mixed use or planned transition area is to encourage decreasing land use intensities north of and around the commercial areas proposed along Hull Street Road. This land use transition would ultimately separate and buffer surrounding neighborhoods further north while providing compatibility in scale and design. The Plan specifically suggests that residential development is appropriate in this area which incorporates "high quality architectural features and site amenities and using 'cluster' designs to maintain open space."

Area Development Trends:

Properties to the north are zoned Residential (R-7) and are occupied by single family residential dwellings or are vacant. Properties to the east are zoned General Business (C-5) and are occupied by public/semi-public use (YMCA). Properties to the south and west are zoned Residential (R-7), Residential (R-7) with Conditional Use, Corporate Office (O-2) and Agricultural (A) and are occupied by single family residential and office use (Pocoshock Professional Offices) or are vacant. It is anticipated that a mixture of office and residential development will continue along this portion of Pocoshock Boulevard in accordance with the Plan.

Zoning History:

On June 28, 2000, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved rezoning of the request site and additional property to the south, from Residential (R-7) to Corporate Office (O-2) to permit office uses. Proffered conditions were accepted which addressed utility and transportation issues and adjacent property owners' concerns relative to drainage, site design, hours of operation and permitted uses. The "Staff's Request Analysis and Recommendation" noted that land use transition and compatibility would be accomplished by Zoning Ordinance requirements, such as a fifty (50) foot buffer required adjacent to properties zoned for residential use.

Site Design:

A Master Plan has been included in this application (Proffered Condition 12). The plan depicts building orientation, road configuration, the location of common and recreation spaces and sidewalks and landscaping; however, as proffered, development will generally conform with the plan. The plan depicts eleven (11) condominium buildings, the majority of which are quadplexes. The applicant has proffered a maximum of forty-four (44) dwelling units (Proffered Condition 14). Parking spaces are located adjacent to each dwelling unit. Access to the development is provided via one (1) public road to Pocoshock Boulevard. (Proffered Condition 4)

It is important to note that the overall site design does not adequately provide a typical cluster design, as recommended by the Plan to maintain open space and appropriate land use transition between the office use to the south and residential use to the north.

To address area citizens concerns, proffered conditions establish a minimum height of fifteen (15) feet for light poles and require additional parking spaces for visitors. (Proffered Conditions 19 and 21)

Architectural Treatment:

The applicant has proffered that the architectural appearance of the dwelling units and the clubhouse will be in substantial conformance with those depicted in the elevations submitted with the application (Exhibit A) and that materials will be brick or stone veneer, composition, hardiplank or vinyl siding and asphalt shingles. (Proffered Condition 12)

To address area citizens concerns, Proffered Condition 22 provides that no dwelling unit shall exceed a height of one (1) story.

Building Setbacks and Orientation:

Except as modified by this request, development must conform to the bulk requirements established in the Zoning Ordinance for the Multifamily Residential (R-MF) District. The applicant has requested exceptions to several of these standards, as noted in the Textual Statement submitted with this application. These Ordinance standards were designed to address a typical, suburban high density residential project. The majority of these exceptions will allow flexibility in the internal site design to accommodate the project and are generally consistent with those approved for other similar projects.

Exceptions are also requested to the setbacks from property lines, thereby permitting structures to be thirty-five (35) feet rather than fifty (50) feet from all property lines (Textual Statement, Item 4). Properties to the north, south and east are zoned Residential (R-7), Corporate Office (O-2) and General Business (C-5). Reduction in the setback from these property lines will not provide the appropriate separation between uses of varying intensities.

Further, property to the south, developed as Pocoshock Professional Offices, was approved with the request property serving as a separation between the office development and residential uses to the north. As previously discussed, the request property was zoned Corporate Office (O-2) in 2000 requiring the request property, once developed for office use to maintain a fifty (50) foot buffer from adjacent properties zoned for residential use. Therefore, the required setbacks along the northern, southern and eastern property boundaries should be maintained at the required fifty (50) feet to provide the appropriate land use transition between this higher density residential project and office, single family residential and general commercial uses. The typical design standards for multifamily projects suggest that the lot setback requirements also have the effect of aggregating open spaces between dwelling units.

Buffers and Screening:

The Zoning Ordinance requires that solid waste storage areas (i.e., dumpsters, garbage cans, trash compactors, etc.) be screened from view of adjacent property and public rights of way by a solid fence, wall, dense evergreen plantings or architectural feature and that such area within 1,000 feet of any residentially-zoned property or property used for residential purposes not be serviced between the hours of 9:00 p. m. and 6:00 a. m.

The Zoning Ordinance requires the provision of a fifty (50) foot buffer on (R-MF) property when adjacent to single family residential zoning districts. Property to the north meets this criteria thereby requiring the provision of a fifty (50) foot buffer along the northern property line. The applicant proposes a thirty-five (35) foot buffer adjacent to single family residential districts (Textual Statement, Item 7). The purpose of the buffers is to provide the appropriate separation and gradual transition between the proposed multifamily development and the existing lower density residential development to the north. Therefore, the requirement for this fifty (50) foot buffer should be maintained.

To address concerns of the adjacent property owner to the north, Proffered Condition 20 requires a six (6) foot solid fence to be installed along the northern property boundary adjacent to Tax ID 763-696-8950.

Recreation and Open Space:

The Zoning Ordinance requires that not less than ten (10) percent of the gross acreage of a multifamily project be devoted to recreational use, with a minimum provision of 1.5 acres. The Master Plan submitted with the application depicts approximately one-half ($\frac{1}{2}$) of an acre of open space to provide a focal point and recreational area for the development. The applicant has proffered the provision of a clubhouse and associated recreational amenities and that a portion of this area will be hardscaped and have other amenities to facilitate the gathering of residents. (Proffered Condition 11)

Typical standards for higher density development provide for a minimum of 0.75 acre for the purpose of establishing a focal point for the development. However, Proffered Condition 11

does not depict an area that would meet the typical standard for the establishment of a focal point with respect to minimum area and location. Generally, focal points should be located so as to visually announce the project upon entry and to create green space at the entrance. Because of the layout of the project, the focal point of units along the eastern property boundary will most likely be the adjacent office building and parking lot, rather than the one-half (½) acre area set aside by Proffered Condition 11. In addition, the proposed active recreational amenities are not centrally located within the project so as to be equally accessible to all residents. Since this is an elderly project, the demand for “active” recreation space is not as great as a typical high density residential project; however, open space should still be provided throughout the project to provide a separation between uses of varying intensities.

Proffered Condition 13 provides that these common recreational areas will not include amenities primarily associated with children's play, swimming pools, basketball courts or tennis courts but may include putting greens, shuffleboard, picnic and barbeque areas and gardens. Common areas, which are not contained within units and public road rights of way, shall be maintained by a neighborhood/condominium association. (Proffered Conditions 10 and 23)

Sidewalks and Pedestrian Paths:

The Zoning Ordinance requires that sidewalks be provided within a residential multifamily project. Higher density developments warrant the provision of sidewalks on both sides of all internal rights of way to provide a form of passive recreation, as well as safe and convenient access to open space areas within the development. The applicant's plan depicts the provision of sidewalks only along one (1) side of the streets. (Proffered Condition 16)

Garages and Driveways:

To address concerns relative to the appearance of garage doors facing adjoining streets, the Master Plan depicts the orientation of the condominium buildings such that the number of garage doors opening to any individual street is minimized and that such units are generally clustered in groups around parking areas. (Proffered Condition 12)

Landscaping:

Street trees and landscaping should be provided to enhance the residential appeal of the townhouse development, define private spaces and minimize the predominance of building mass and paved areas. The applicant proposes that street trees be planted along each side of interior roads and common driveways to include any entrance roads from public roads into the townhouse development. Landscaping is to be installed around the perimeter of all buildings, between buildings and driveways, within medians and within common spaces not occupied by recreational facilities and along a berm within the setback along Pocoshock Boulevard to minimize the view of garage doors from Pocoshock Boulevard (Proffered

Conditions 17 and 18). In addition, Proffered Condition 18 provides that a decorative fence shall be installed.

Restrictive Covenants

To address concerns of area residents and the Clover Hill District Commissioner regarding the quality of the overall development, Proffered Condition 24 requires restrictive covenants to be recorded with the approval of the site development plan. The County will only insure the recordation of the covenants and will not be responsible for their enforcement (Proffered Condition 24). This proffered condition further provides that the covenants shall not be modified or amended for twenty (20) years.

CONCLUSIONS

The proposed zoning and land use does not comply with the Route 360 Corridor Plan. Although the Plan suggests the property is appropriate for a mix of uses to include office, church and public facility uses and residential developments up to six (6) units per acre, the proposed zoning and land use fails to incorporate high quality site amenities and cluster design to maintain open space as recommended by the Plan to provide appropriate transition between the office development south of the request property as well as the single family residential use to the north.

The application fails to provide for the typical development standards necessary to insure a quality higher density development with amenities. With a number of the proposed units wrapping around the existing office development to the south and east rather than project open space, their focal point is lost or replaced by an office building and parking lot.

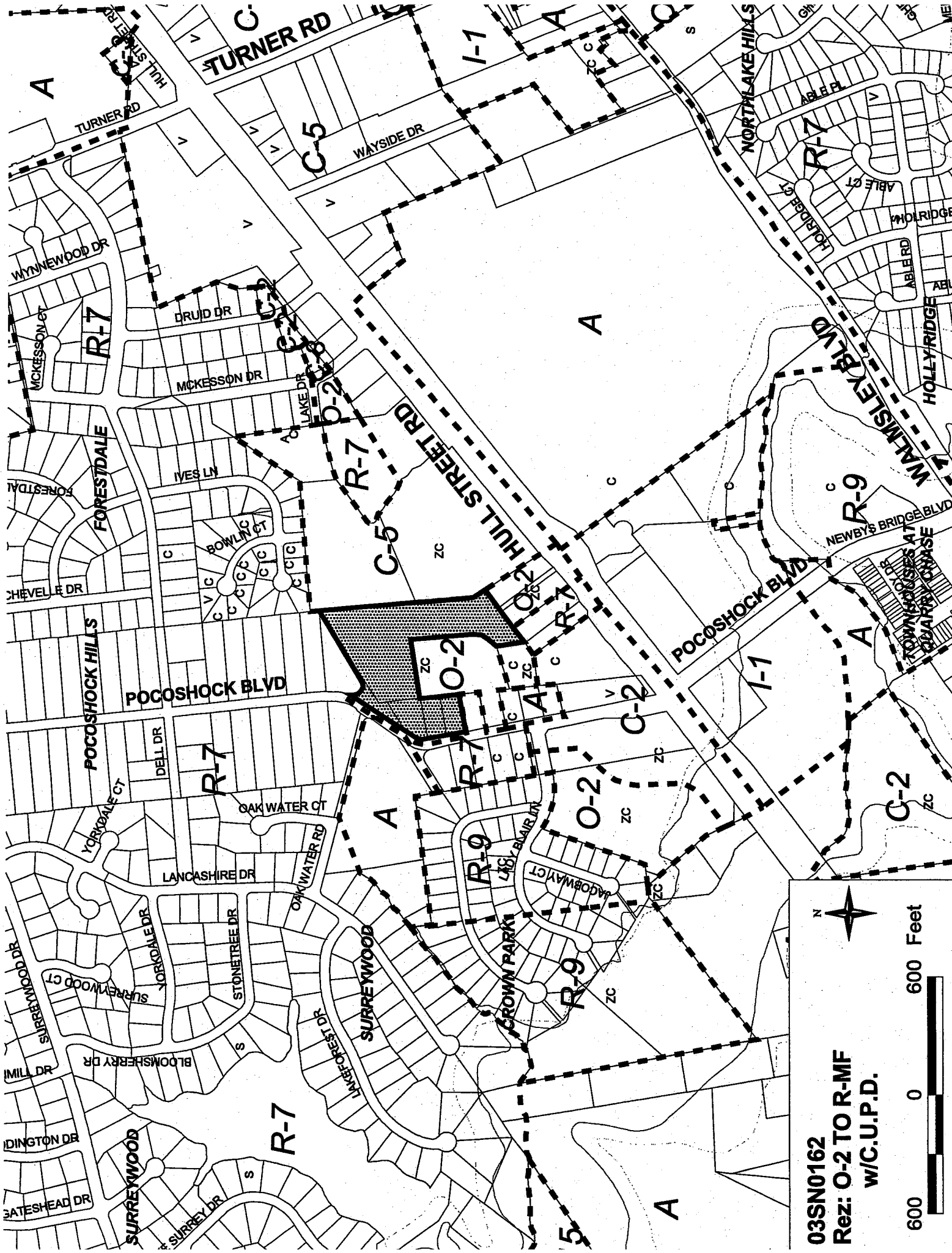
Some of the requested exceptions to multifamily development standards would allow greater development flexibility. In particular, the requested exceptions to internal development requirements, together with the proffered conditions, would allow multifamily development that possesses a character more in keeping with area single family residential neighborhoods than would be allowed with typical Multifamily Residential (R-MF) zoning. However, some of the requested exceptions, such as those related to provisions for sidewalks and buffer and building setback reductions from property lines, are inappropriate given the higher density of development and the need to offset the impact on adjacent single family residential development to the north, as well as to mitigate the impact of the office and commercial uses to the south and east on future residents within this development.

Given these considerations, denial of this request is recommended.

Textual Statement
Pocoshock Boulevard - Wheeler
Case No.: 03SN0162
September 13, 2002
Rev. November 1, 2002
Rev. September 18, 2003

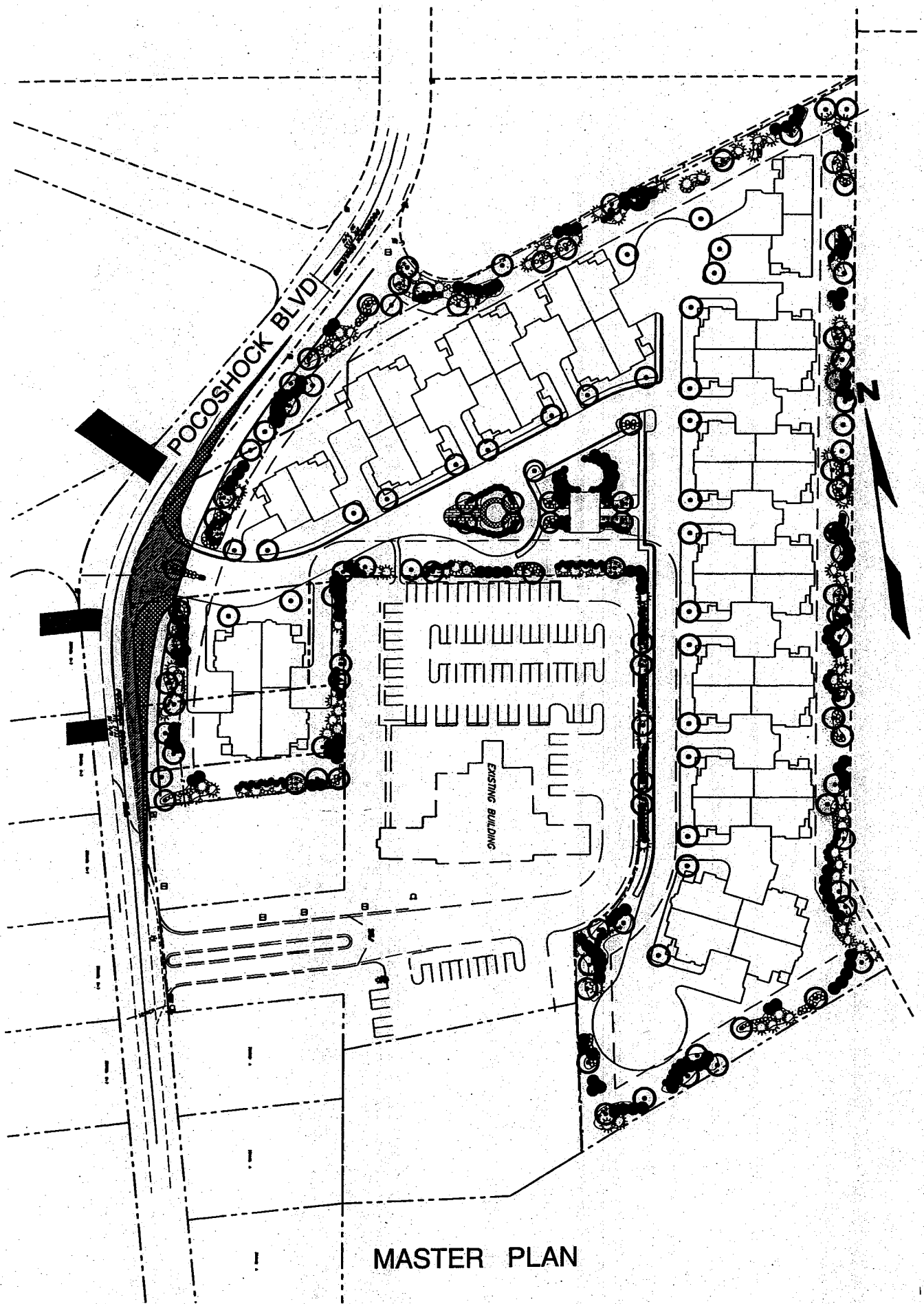
This request is to rezone from O-2 to RMF with proffered conditions and CUPD to permit bulk exceptions to modify the following requirements:

1. An exception to the twenty (20) acre minimum parcel size.
2. A seventeen (17) foot exception to the twenty-five (25) foot setback requirement for structures from driveways providing access exclusively to parking areas;
3. A fifteen (15) foot exception to the fifteen (15) foot setback requirement for structures from parking spaces;
4. A fifteen (15) foot exception to the fifty (50) foot setback requirement for structures from property lines;
5. An exception to the requirement that driveways and parking areas have concrete curb and gutters;
6. A nine (9) foot exception to the twenty-four (24) foot pavement width requirement for private driveways providing access exclusively to parking areas;
7. A fifteen (15) foot exception to the fifty (50) foot buffer requirement for RMF adjacent to property zoned single family residential; and
8. An exception to the one and a half (1 ½) acre minimum requirement for recreational areas.



03SN0162
Rez: O-2 TO R-MF
w/C.U.P.D.





MASTER PLAN

03SNO162-1

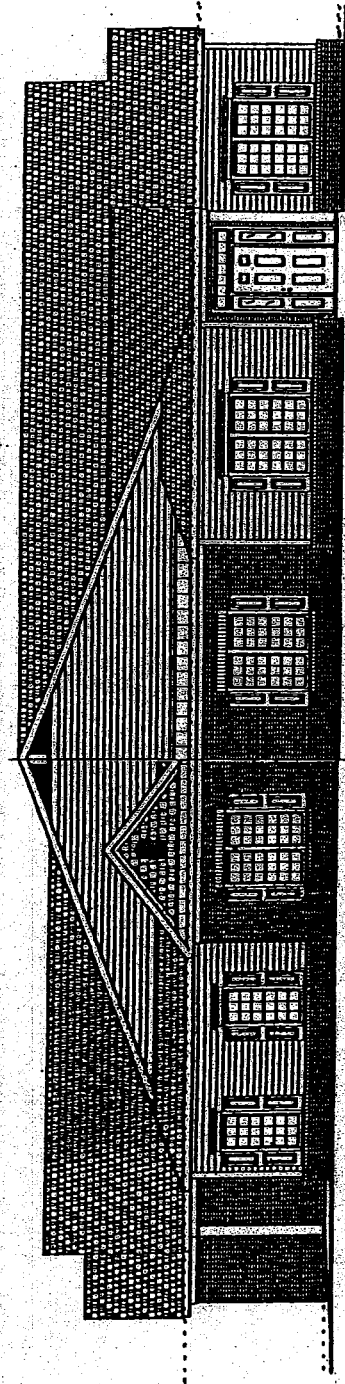
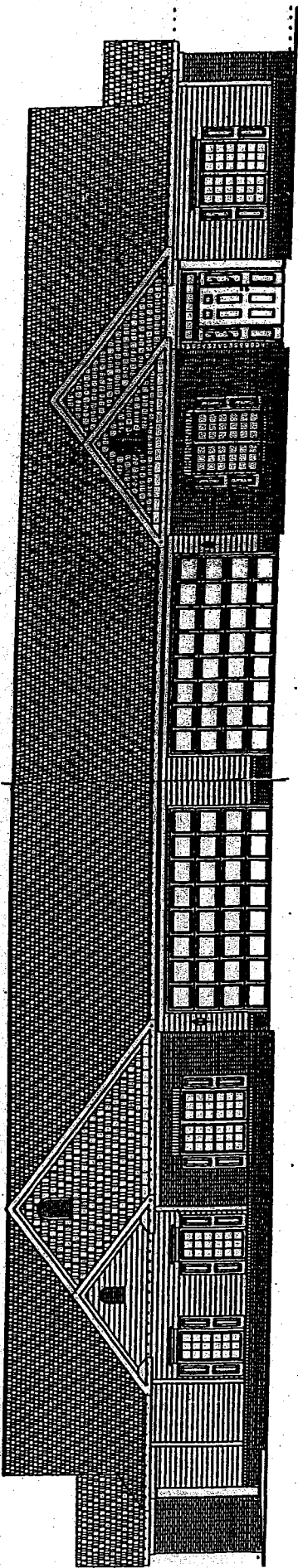


EXHIBIT "A"

Pocahontas VILLAS